

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

MICHAEL LEE CHILDRESS, JR.,

Petitioner,

No. CIV S-02-870 DFL GGH P

vs.

MIKE KNOWLES, Warden,

Respondent.

ORDER

Petitioner, a state prisoner proceeding with appointed counsel, has filed an application for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. Pending before the court is petitioner's motion for judgment on the pleadings on the ground that petitioner's rights to due process and to a jury trial were violated by the trial court's jury instructions on the intent required for implied malice murder. However, respondent has failed to lodge the relevant volume of the Reporter's Transcript, i.e., that portion containing the trial judge's instructions to the jury. Therefore, respondent must lodge with this court, within ten (10) days, volume 4, containing pages 901 through 1060, of the Reporter's Transcript.

IT IS SO ORDERED.

DATED: 6/30/05

/s/ Gregory G. Hollows

GREGORY G. HOLLOWS
UNITED STATES MAGISTRATE JUDGE